

REMARKS

This patent application presently includes claims 1-41, claims 42-44 having been canceled, all of which stand rejected.

All claims stand rejected as anticipated by or obvious over Saha US published application No. 2005/0105508. In response, the applicant has previously submitted a Rule 131 Affidavit. The Examiner has deemed the affidavit deficient. While applicant continues to believe the affidavit is sufficient, nonetheless, in order to more expeditiously advance the prosecution, applicant has amended here and argued the substance of the rejection below. However, applicant reserves the right to prosecute the original claims based upon the 131 affidavit in a divisional application, and specifically, reserves all rights to continue to challenge the position that the 131 affidavit is insufficient.

Claims 1-5, 11-17, 19-25, 31-37 and 39-41 were rejected as anticipated by Saha (US 2005/0105508). Saha does not teach or suggest the invention of the present claims, as amended.

Claim 1 recites three entities involved in a process: “analyzing information received from a session controller to determine whether any of the calls between a gateway associated with said session controller and an additional gateway associated with a different session controller are inactive...sending at least one command from the control location.” The Office Action cites paragraph 20 of Saha, but that paragraph describes two endpoints of a communications link, the first of which concludes it has lost a connection to a second endpoint if the second endpoint does not respond to the first. Such a system is part of most conventional communications protocols. Accordingly, the anticipation rejection of claim 1 should be withdrawn.

Similarly, claim 12 requires that the control location sends a command to one or more session controllers that causes the session controllers to drop VOIP calls that are determined to be “inactive based upon information gathered from one session controller relating to VOIP calls between multiple gateways.” This also requires at least two gateways and the control location to determine which calls to drop. The remaining independent claims 21, 32, and 40, have differing language, but all claim, in one form or another, applicants novel and unique concept as described above.

None of the cited prior art suggests a third party administrative entity that monitors parameters of a VOIP call arranged between a gateway with which the administrative entity communicates, and another gateway. None of the prior art suggests analyzing information from a first gateway at a control location to determine that the first gateway had a call with a second gateway that got hung, and then instructing the first gateway to terminate that call. Accordingly, it is believed that the rejection under of all claims should be withdrawn.

As all the of the rejections in the action depend upon a teaching of Saha which applicant believes is not fairly taught or suggested by that reference, the rejections under 35 USC 102 and 35 USC 103 must also be withdrawn. It is not believed that any fees are due with respect to this amendment. However, in the event there are any fees due and owing in connection with this matter, please charge the same to our Deposit Account No. 50-5470.

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Respectfully submitted,

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